

REMARKS

This paper is responsive to the Office Action dated September 23, 2004 in the current application in which claims 1-19 are pending. Claims 1, 3-11, and 15-19 are rejected, and claims 2 and 12-14 are objected to.

Objection to the Claims:

Claim 11 has been amended in accordance with the Examiner's instruction in paragraph 8 of the Office Action. Specifically, claim 11 has been changed to depend from claim 10 instead of claim 9. No new matter has been added.

Objection to the Specification:

In paragraph 9, the Office Action requires correction of the specification to provide antecedent basis for some of the claimed subject matter. The Office Action lists five expressions requiring such antecedent basis. Applicants have amended paragraph [0014] to provide antecedent basis for four of these expressions, without admitting that such basis does not already exist in the specification and/or in the priority application.

The fifth expression for which the Office Action requires the addition of antecedent basis is "the first and second ends of the mirror panels." The last sentence of paragraph [0014] as filed, recites the following text passages: "the mirror panels each comprise first and second ends," "the first ends of the mirror panels," and "the second ends of the mirror panels." Applicants contend that the quoted text provides ample antecedent basis for the passage "the first and second ends of the mirror panels." Accordingly, the specification has not been amended to provide still further support for this expression. All amendments to the specification are fully supported by the application as filed. No new matter has been added.

Objection to the Disclosure:

Paragraph [0001] has been amended to reflect the issuance of the patent based on the application to which this application claims priority.

Rejection under 35 U.S.C. § 102(b) – Park No. 328,606:

Claims 1 and 3-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Park (U.S. Patent No. 328,606 hereafter “Park”). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. Applicants respectfully traverse these rejections.

Claim 1 recites the limitation “wherein said at least one mounting pin is attached within said opening to said at least one mounting block” and the limitation “is attached to at least one of said first or second mounting surfaces of said first or second mirror panels,” the second quoted portion still referring to the attachment of the pin. Park does not describe these limitations.

Park recites at page 1, lines 66 – 71 that “block F is pivotaly secured to the back of the box A by a bolt, e, passing through the block and back of the box, and the said block F is held in any required rotary adjustment by means of a clamp nut, f, which engages the threaded end of the bolt e.” (Emphasis added). Thus, bolt e, which the Office Action equates to claim 1’s mounting pin, passes through block F, and F is pivotaly secured to the back of the box A by bolt e. Park does not describe bolt e being “attached” to block F. Moreover, the device of Park could not operate as described if bolt e were “attached” to block F, since such attachment would preclude the pivotal relationship disclosed as existing between these two parts.

In addition, Park is silent with respect to bolt e being attached to a mounting surface of the mirror panels of Park. Thus, Park does not describe all the elements of claim 1 and therefore does not

anticipate claim 1 under 35 U.S.C. § 102(b). In making the foregoing arguments, Applicants do not concede the equivalency of block F and bolt e of Park to claim 1's mounting block and mounting pin, respectively.

Claims 3-9 depend from claim 1, inherit all the limitations thereof, and are therefore patentable over Park for the same reasons as claim 1. Moreover, claims 3-9 define further novel, nonobvious features not described in Park. Accordingly, claims 1 and 3-9 are patentable over Park under 35 U.S.C. § 102(b). Reconsideration is therefore respectfully requested.

Rejection under 35 U.S.C. § 102(b) – Taggart No. 5,625,501:

Claims 1, 4-6, 10, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Taggart (U.S. Patent No. 5,625,501, hereafter "Taggart"). Applicants respectfully traverse these rejections.

Claim 1 recites the limitation "wherein said at least one mounting pin is attached within said opening to said at least one mounting block" and the limitation "is attached to at least one of said first or second mounting surfaces of said first or second mirror panels," the second quoted portion still referring to the attachment of the pin. Despite the assertion in the Office Action, Taggart does not describe these limitations.

First, applicants take issue with the open statement of paragraph 3 of the Office Action which reads, "Taggart discloses a roof mirror assembly comprising first and second mirror panels (10) comprising first and second reflective surfaces (32) and first and second mounting surfaces (22) ..." In particular, element 22 of the Taggart disclosure **absolutely is not** the first and second mounting surfaces of the first and second mirror panels 10. As disclosed in the subject application, the first and second mounting surfaces of the mirror panels are part and parcel of the mirror panels themselves, not surfaces of other structures that are attached to the mirror panels. In Taggart, element 22 is not part

and parcel of mirror 26, but are instead part of panel 20. See column 2, lines 28 – 32 of Taggert, where it is said, “[e]ach mirror unit 12 includes a panel 20 having three raised sides 22 with a fourth side being the mitered side edge 16, so that the panel 20 will have a central recessed area 24. A mirror 26 is affixed to the central recessed area 24 of the panel 20.” (emphasis added). Clearly, if mirror 26 of Taggert is “affixed” within the central recessed area 24 of panel 20, and panel 20 is the structure having the three raised sides 22, then sides 22 are not part of mirror 26.

Further, Taggert does not describe a pin which is attached both to at least one mounting block and to a mounting surface of a mirror panel. In alleging the anticipation of claim 1 by Taggert, the Office Action equates claim 1’s mounting block to the combination of Taggert’s male and female hinge portions 28 and 30, respectively, and then equates claim 1’s mounting pin to an element that is attached only to element 28. See Office Action, page 3, first paragraph. However, here too the Office Action fails to take into consideration the language of the claims of the subject application. In particular, claim 1 of the subject application calls for: (1) the at least one mounting block to have at least one opening extending through a portion thereof; (2) at least one mounting pin being received with the opening; and (3) the pin to be “attached” within the opening. (Claim 1, lines 5 – 7). In Taggert’s above construction at least one of these three claim limitations are not met: the element extending from male hinge portion 28 is not “attached” within the opening of female hinge portion 30 and there is no indication anywhere in the Taggert specification that portion 28 has an opening into which the extending element is attached.

Moreover, no other part of Taggert meets the “mounting pin” limitations of claim 1. In Taggert, a hinge is formed of male and female portions 28 and 30, respectively. Male hinge portion 28 has a protrusion which fits into a hole in female hinge portion 30. But this protrusion does not meet the claim 1 limitation of “attached to at least one of said first or second mounting surfaces of

said first or second mirror panels.” Instead, one end of the protrusion extends into the hole in female hinge portion 30, and the other end of the protrusion is connected to the remainder of male hinge portion 28, and no part or portion of this protrusion of portion 28 of Taggert is attached to the mounting surface of a mirror panel.

As seen above, the Office Action has at least three fatal flaws in its analysis of the Taggert reference and in that analysis’ application to the claims of the subject application.

In view of the foregoing, claim 1 is not anticipated by Taggert. Claims 4-6 and 10-11 depend from claim 1, inherit all the limitations thereof, and are therefore patentable over claim 1 for the same reasons as claim 1. Moreover, claims 4-6 and 10-11 recite further novel, nonobvious limitations not described by Taggert. Therefore, claims 1, 4-6, and 10-11 are patentable over Taggert under 35 U.S.C. § 102(b). Limitations of a selection of the dependent claims are discussed below.

Claim 5 recites “said first and second mounting surfaces being end surfaces of said first and second mirror panels, respectively.” Taggert does not describe or illustrate the mounting surfaces being end surfaces of the mirror panels. Thus, claim 5 recites patentable features in addition to those it inherits from claim 1. Reconsideration is therefore respectfully requested.

Rejection under 35 U.S.C. § 102(b) – Smith, Jr. No. 1,334,810:

Claims 15, 16, and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by A. Smith, Jr. (U.S. Patent No. 1,334,810, hereafter “Smith”). Applicants respectfully traverse these rejections.

Claim 15 recites the limitation “first and second mirror panels joined together so that first and second reflective surfaces thereof are substantially perpendicular to each other.” Smith does not describe this limitation. The figures of Smith do not illustrate a perpendicular relationship between the reflective surfaces, and Smith’s specification does not describe any such arrangement. Accordingly, Smith does not describe the “perpendicular” limitation of claim 15.

Claim 15 recites the limitation “said at least one mounting block attached to said first ends of said mirror panels.” The Office Action asserts that Smith’s elements 2, 13, and 14 serve as Applicants’ at least one mounting block. Without conceding this asserted equivalency, Applicants note several problems with the combination structure of Smith’s elements 2, 13 and 14 meeting the “attached to said first ends” limitation of claim 15. First, nowhere in Smith is it said that members 13 and 14 are “attached” to the ends of the reflectors 8 and 11, respectively. All that Smith calls for is “bracing members 13 and 14 are provided for the reflectors 8 and 11 respectively.” By defining members 13 and 14 as “bracing members” there is certainly no clear determination that reflectors 8 and 11 are “attached” to the bracing members, and in fact, common sense indicates that the reflectors are probably simply placed onto the bracing members without any type of “attaching.” Second, bracing members 13 and 14 of Smith are in contact with (not attached to) the back surfaces of reflectors 8 and 11, respectively, not the ends of the reflectors, as is called for in claim 15. Finally, absolutely nowhere in Smith is it even suggested that the ends of reflectors 8 and 11 are attached to support 2. All that can possibly be inferred from the figures of Smith is that the ends of reflectors 8 and 11 are in contact with support 2. Thus, even if one accepts the convoluted combination of parts (2, 13 and 14) of Smith presented by the Office Action as being the equivalent of the mounting block of the application, such a combination still does not meet the limitations of claim 15 of the subject application. Accordingly, the rejection of claim 15 based upon Smith is traversed.

In view of the foregoing, Smith does not anticipate claim 15 under 35 U.S.C. § 102(b). Claims 16, 18, and 19 depend from claim 15, inherit all the limitations thereof, and are therefore patentable over Smith for the same reasons as claim 15. Accordingly, claims 15, 16, 18, and 19 are patentable over Smith under 35 U.S.C. § 102(b).

Rejection under 35 U.S.C. § 103(a) - Smith:

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith. Applicants have already shown that claim 15 recites limitations not taught or suggested by Smith. Accordingly, as the Office Action section rejecting claim 17 merely relies upon the same arguments overcome above and adds nothing new to the discussion, and as claim 17 depends from claim 15, the rejection of claim 17 under Section 103(a) based upon Smith, is herein traversed as the prima facie case of obviousness for claim 17 under M.P.E.P. § 2143 is not satisfied.

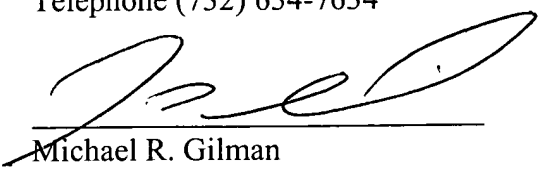
Conclusion:

The Examiner is thanked for the indication of allowable subject matter in claims 2 and 12-14. Applicants respectfully request reconsideration and allowance in view of the above remarks and amendments. Applicants submit herewith a 3-month extension of time, along with the appropriate fee therefore. Other fees are not believed to be due. However, the Examiner is authorized to deduct any additional fees believed due from our Deposit Account No. 11-0223.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail, in a postage prepaid envelope, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 18, 2005.

Dated March 18, 2005 Signed  Print Name Michael R. Gilman